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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 28, 1997

MOTION TO REJECT AND PETITION OF

PAYTEL COMMUNICATIONS, INC.
PEOPLES TELEPHONE COMPANY, INC.,
PHON TEL TECHNOLOGIES, INC., AND
COMMUNICATIONS CENTRAL, INC.

CASE NO. PUC970029

For rejection of and investigation
of tariffs filed by Virginia local
exchange carriers pursuant to
§ 276 of the Telecommunications Act
of 1996

ORDER AUTHORIZING INTERIM RATES
AND INITIATING INVESTIGATION

On March 21, 1997, PayTel Communications, Inc. ("PayTel"), Peoples Telephone Company ("Peoples Telephone"), Phon Tel Technologies, Inc. ("Phon Tel"), and Communications Central, Inc. ("Communications Central") (collectively, the "Payphone Service Providers") filed their motion to reject tariffs filed by various Virginia local exchange companies ("LECs"), and seeking an investigation of the rates proposed in those tariffs for basic payphone services. The motion and petition filed by the payphone service providers and the various tariffs filed by the LECs result from the requirements of § 276 of the Telecommunications Act of 1996 ("Act"), 47 U.S.C. § 276, and

orders issued by the Federal Communications Commission ("FCC") in CC Docket No. 96-128.¹

Among other things, the Report and Order, and Order on Reconsideration, directed LECs to file intrastate tariffs, on or before January 15, 1997, to be effective on or before April 15, 1997, for basic payphone services. Such tariffs must be (1) cost based, (2) consistent with the requirements of § 276 of the Act and (3) non-discriminatory. (See Order on Reconsideration at Paragraph 163)

The Report and Order, and Order on Reconsideration, have been appealed to the U.S. Circuit Court of Appeals for the District of Columbia, but that Court has issued no stay or other order concerning the effectiveness of the two orders.

The petition and motion specifically address tariffs filed by Bell Atlantic-Virginia, Inc. ("BA-VA"), GTE South Incorporated ("GTE"), United Telephone-Southeast, Inc. ("United") and Central Telephone Company of Virginia ("Centel"). The petition and motion note that GTE withdrew its proposed tariff. GTE refiled its tariffs on March 27, 1997, with an effective date of April 15, 1997. In addition, proposed tariffs have been filed by Clifton Forge-Waynesboro Telephone Company

¹ Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Report Order, FCC Order No. 96-388 (Released September 20, 1996) (hereafter "Report and Order"); and Order on Reconsideration, FCC Order No. 96-439 (Released November 8, 1996) (hereafter "Order on Reconsideration").

("CFW") and TDS subsidiaries, Amelia Telephone Company ("Amelia"), New Castle Telephone Company ("New Castle"), and Virginia Telephone Company.

Having considered the petition and motion, the Act, the Report and Order, and Order on Reconsideration, and the various tariff filings, the Commission finds that this matter should be docketed, that the tariff filings should be investigated, that the proposed rates which are allowed to take effect should be interim and subject to refund and that comments should be invited. Allowing these tariffs to take effect in no way indicates or implies compliance with § 276 of the Act or with the FCC's orders in CC Docket No. 96-128. Accordingly,

IT IS THEREFORE ORDERED:

- (1) This matter is docketed and assigned Case No. PUC970029.
- (2) The proposed payphone tariffs of BA-VA, GTE South, GTE-Contel, United, Centel, CFW, Amelia, New Castle, and Virginia Telephone Company may take effect as proposed subject to investigation and refund if the Commission ultimately determines that different rates should be imposed.
- (3) BA-VA may not implement any of its proposed tariff revisions that violate its Plan for Alternative Regulation, Paragraphs 6 or 7.

(4) On or before April 30, 1997, interested parties may respond to the petition and motion and to the various tariff filings. Such comments may address any matter deemed pertinent pursuant to the Act or Virginia statutes. At a minimum, they should address whether and how these tariffs meet the requirements of the Act and the FCC.

(5) Each LEC shall maintain detailed billing accounts for the interim rates authorized to take effect. Such accounts shall be used to rebill customers in the event the Commission ultimately approves different rates.

(6) No provisions in these tariffs that would increase rates of existing customers may take effect until further order of the Commission.

(7) The \$0.25 coin rate for local calls and other applicable local and intrastate rates to the public will remain tariffed and regulated by the Commission.